

41.550 is not obviated or alleviated by the existence of any State or local law or other requirement that imposes prohibitions or limits upon employment of members of one sex that are not imposed upon members of the other sex.

(b) *Benefits.* A recipient that provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

§ 41.540 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job in question.

§ 41.545 Pre-employment inquiries.

(a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is “Miss” or “Mrs.”

(b) *Sex.* A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by these Title IX regulations.

§ 41.550 Sex as a bona fide occupational qualification.

A recipient may take action otherwise prohibited by §§ 41.500 through 41.550 provided it is shown that sex is a bona fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section that is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet

facility used only by members of one sex.

Subpart F—Procedures

§ 41.600 Notice of covered programs.

Within 60 days of September 29, 2000, each Federal agency that awards Federal financial assistance shall publish in the FEDERAL REGISTER a notice of the programs covered by these Title IX regulations. Each such Federal agency shall periodically republish the notice of covered programs to reflect changes in covered programs. Copies of this notice also shall be made available upon request to the Federal agency's office that enforces Title IX.

§ 41.605 Enforcement procedures.

The investigative, compliance, and enforcement procedural provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (“Title VI”) are hereby adopted and applied to these Title IX regulations. These procedures may be found at 10 CFR 4.21 through 4.75.

[65 FR 52892, Aug. 30, 2000]

PART 43—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Subpart A—Purpose and Coverage

Sec.

- 43.100 What does this part do?
- 43.105 Does this part apply to me?
- 43.110 Are any of my Federal assistance awards exempt from this part?
- 43.115 Does this part affect the Federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

- 43.200 What must I do to comply with this part?
- 43.205 What must I include in my drug-free workplace statement?
- 43.210 To whom must I distribute my drug-free workplace statement?
- 43.215 What must I include in my drug-free awareness program?
- 43.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?
- 43.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?

§ 43.100

43.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

43.300 What must I do to comply with this part if I am an individual recipient?

43.301 Is there a central point to which I may report information required by § 43.300?

Subpart D—Responsibilities of Department of the Interior Awarding Officials

43.400 What are my responsibilities as a Department of the Interior awarding official?

Subpart E—Violations of This Part and Consequences

43.500 How are violations of this part determined for recipients other than individuals?

43.505 How are violations of this part determined for recipients who are individuals?

43.510 What actions will the Federal Government take against a recipient determined to have violated this part?

43.515 Are there any exceptions to those actions?

Subpart F—Definitions

- 43.605 Award.
- 43.610 Controlled substance.
- 43.615 Conviction.
- 43.620 Cooperative agreement.
- 43.625 Criminal drug statute.
- 43.630 Debarment.
- 43.635 Drug-free workplace.
- 43.640 Employee.
- 43.645 Federal agency or agency.
- 43.650 Grant.
- 43.655 Individual.
- 43.660 Recipient.
- 43.665 State.
- 43.670 Suspension.

AUTHORITY: 5 U.S.C. 301; 31 U.S.C. 6101 note, 7501; 41 U.S.C. Sections 252a and 701 *et seq.*

SOURCE: 68 FR 66557, 66630, Nov. 26, 2003, unless otherwise noted.

Subpart A—Purpose and Coverage

§ 43.100 What does this part do?

This part carries out the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*, as amended) that applies to grants. It also applies the provisions of the Act to cooperative agreements and other financial assist-

43 CFR Subtitle A (10–1–08 Edition)

ance awards, as a matter of Federal Government policy.

§ 43.105 Does this part apply to me?

(a) Portions of this part apply to you if you are either—

(1) A recipient of an assistance award from the Department of the Interior; or

(2) A(n) Department of the Interior awarding official. (See definitions of award and recipient in §§ 43.605 and 43.660, respectively.)

(b) The following table shows the subparts that apply to you:

If you are . . .	see subparts . . .
(1) A recipient who is not an individual	A, B and E.
(2) A recipient who is an individual	A, C and E.
(3) A(n) Department of the Interior awarding official.	A, D and E.

§ 43.110 Are any of my Federal assistance awards exempt from this part?

This part does not apply to any award that the Director, Office of Acquisition and Property Management determines that the application of this part would be inconsistent with the international obligations of the United States or the laws or regulations of a foreign government.

§ 43.115 Does this part affect the Federal contracts that I receive?

It will affect future contract awards indirectly if you are debarred or suspended for a violation of the requirements of this part, as described in § 43.510(c). However, this part does not apply directly to procurement contracts. The portion of the Drug-Free Workplace Act of 1988 that applies to Federal procurement contracts is carried out through the Federal Acquisition Regulation in chapter 1 of Title 48 of the Code of Federal Regulations (the drug-free workplace coverage currently is in 48 CFR part 23, subpart 23.5).

Subpart B—Requirements for Recipients Other Than Individuals

§ 43.200 What must I do to comply with this part?

There are two general requirements if you are a recipient other than an individual.